



This Recommended Order and Decision became the Order and Decision of the
Illinois Human Rights Commission on 8/22/02.

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
DELORIS FORTENBERRY,)	
)	
Complainant,)	
)	Charge No.: 1988CF2577
and)	EEOC No.: 21B881536
)	ALS No.: 6686
CAPITAL NEWS AGENCY,)	
)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On September 3, 1992, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Deloris Fortenberry. That complaint alleged that Respondent, Capital News Agency, discriminated against Complainant on the basis of her race when it discharged her.

There is no indication in the record file that any action was ever taken by either party once the complaint was filed. Neither party has ever appeared before the Human Rights Commission in connection with this case. The matter now comes on to be heard on my own motion, *sua sponte*, to dismiss the complaint.

FINDINGS OF FACT

The following facts are based upon the record file in this matter.

1. The record file in this matter does not contain any evidence that either party ever took any action with regard to

this case after the complaint was filed with the Human Rights Commission.

2. On May 14, 2002, an order was entered which required Complainant to file a written motion to schedule a status date. According to the May 14 order, failure to file such a motion would result in dismissal of this matter with prejudice.

3. The May 14, 2002 order was served upon both parties by United States mail, using the addresses in the record file. Both copies of the order were returned as undeliverable by the United States Postal Service.

CONCLUSIONS OF LAW

1. Complainant's failure to take any action to prosecute her claim has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

The complaint in this matter was filed on September 3, 1992. Since that time, neither party has taken any action whatsoever to address the allegations of that complaint.

On May 14, 2002, an order was entered which required Complainant to file an appropriate motion. The order clearly stated that failure to file such a motion would result in dismissal of the complaint with prejudice.

Although the May 14 order was mailed to both parties at the

addresses in the record file, neither party received it. Both copies of the order were returned as undeliverable by the United States Postal Service. Apparently, neither party has kept the Commission apprised of a current mailing address.

It is possible that the parties settled this matter long ago. Nonetheless, a complaint's failure to provide the Commission with a current address makes it impossible for the Commission to proceed with a case. In such a situation, the appropriate remedy is to dismiss the case with prejudice. ***Davis and Raani Corp.***, ___ Ill. HRC Rep. ___, (1991CF0019, June 16, 1995). That is the recommended disposition in the instant case.

RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings and it appears that she has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: July 5, 2002